

TEMPORARY

Serial No. 59206T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. SEP 01 1993

Returned to applicant for correction. SEP 17 1993

Corrected application filed. NOV 09 1993 Map filed. NOV 09 1993

The applicant Howard M. Byars and Tosca L. Byars
3377 Skyline Blvd. Reno
Street and No. or P.O. Box No. City or Town
Nevada, 89509

State and Zip Code No. hereby make^s application for permission to change the
Place of Use, and Manner of Use of a Portion

Point of diversion, manner of use, and/or place of use
United States of America v. Orr Water Ditch Company,
of water heretofore appropriated under
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
et. al., Equity Docket Number A-3, Claim Number 313
Identify right in Decree.

1. The source of water is. Truckee River (Orr Ditch)
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed. 6.72 ac-ft
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for. Construction/Dust Mitigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for. Irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point. The point of diversion is located on the
Describe as being within a 40-acre subdivision of public survey and by course and
North side of the stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.19N., R.19E., M.D.B.&M.
distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within.
If point of diversion is not changed, do not answer.

7. Proposed place of use. See Attached Legal Description and Washoe County Assessor's Map
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
(Approximately 50 acres within the SW $\frac{1}{4}$ Section 31, T.20N., R.20E., M.D.B.&M.)

8. Existing place of use. See Attached Legal Description and Washoe County Assessor's Map
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
(1.68 acres*4 ac-ft/acre within the NE $\frac{1}{4}$, Section 31, and the NW $\frac{1}{4}$ Section 32,
manner of use of irrigation permit, describe acreage to be removed from irrigation.
T.20N., R.20E., M.D.B.&M.)

9. Use will be from. April 15 to October 15 of each year.
Month and Day Month and Day

10. Use was permitted from. to of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Pump Complete With Flow Meter
State manner in which water is to be diverted, i.e. diversion structure,
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works. \$500.00

13. Estimated time required to construct works. One Day

14. Estimated time required to complete the application of water to beneficial use. One Year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Surface water is to be diverted from the Orr Ditch through use of a pump
incorporating a flow meter to be used for dust mitigation/construction within
the proposed place of use, (See attached Map and Chain of Title).

By s/H M Byars/APPLICANT
3377 Skyline Blvd.
Reno, Nevada 89509

Compared cmg/cmg

Protested _____

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed _____ cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before _____

Proof of completion of work shall be filed before _____

Application of water to beneficial use shall be made on or before _____

Proof of the application of water to beneficial use shall be filed on or before _____

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, _____,
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this _____ day of _____,
A.D. 19 _____

State Engineer

WITHDRAWN BY agent JAN 12 1994
[Signature]
STATE ENGINEER

LEGAL DESCRIPTION

7. Proposed Place of Use

SITUATE IN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 31, T20N, R20E, MDM, WASHOE, CO., NV. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE WEST 1/4 CORNER OF SAID SECTION 31 BEARS N82°17'49"W, 1011.34';
 THENCE S87°03'12"E, 291.70';
 THENCE N77°48'51"E, 511.55';
 THENCE N82°06'36"E, 76.50';
 THENCE S89°30'37"E, 286.27';
 THENCE N74°24'44"E, 138.73';
 THENCE N87°20'44"E, 147.25';
 THENCE S00°42'44"W, 1242.62';
 THENCE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 30°13'00", A RADIUS OF 150.00' FOR AN ARC DIST. OF 79.11';
 THENCE S29°30'16"E, 54.43';
 THENCE S60°29'44"W, 528.40';
 THENCE N00°45'44"E, 260.76';
 THENCE N88°56'16"W, 1449.34';
 THENCE N01°06'01"E, 889.54';
 THENCE FROM A TANGENT BEARING OF N34°42'13"E ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 39°17'51", A RADIUS OF 775.00', FOR AN ARC DIST. OF 531.55' TO THE POINT OF BEGINNING, BEING AN AREA OF 53.891 ACRES, MORE OR LESS.

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8. Existing place of use

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF NEVADA, COUNTY OF WASHOE, IN AN UNINCORPORATED AREA AND IS DESCRIBED AS FOLLOWS:

Being a portion of the Northwest 1/4 of Section 32 and the Northeast 1/4 of Section 31, Township 20 North, Range 20 East, M.D.B.&M., and being more particularly described as follows:

Beginning at the intersection of the right or Easterly highway right of way line of McCarran Boulevard and the East-West quarter line of Section 31, Township 20 North, Range 20 East, M.D.B.&M., being further described as bearing North 89 degrees 30 minutes 37 seconds West 227.93 feet from the East 1/4 corner of Section 31, Township 20 North, Range 20 East, M.D.B.&M., thence North 13 degrees 58 minutes 08 seconds West 131.58 feet; thence North 13 degrees 43 minutes 11 seconds East 52.66 feet; thence North 78 degrees 56 minutes 56 seconds East 74.24 feet; thence South 74 degrees 27 minutes 28 seconds East 773.46 feet to a point on the East-West quarter line of Section 32, Township 20 North, Range 20 East, M.D.B.&M.; thence along said East-West quarter line of Sections 31 and 32, Township 20 North, Range 20 East, M.D.B.&M., North 89 degrees 30 minutes 37 seconds West to the TRUE POINT OF BEGINNING. BEING further described as all that real property lying Southerly and Easterly of McCarran Boulevard and Sullivan Lane in the North 1/2 in Sections 31 and 32, Township 20 North, Range 20 East, M.D.B.&M. as described by a deed to the State of Nevada dated February 27, 1978, and recorded February 27, 1978, in Book 1202, Page 253, under File No. 516511, Official Records.